

Ask the US Embassy

April 7, 2010

**Question:** I am a manager for a Jamaican-based business (name omitted for anonymity) and I recently applied for one of my employees to travel to the United States to attend training related to his work. Despite giving him an employment letter and paying the application fee, he did not receive his visa. Can you advise the next steps for me to get this employee to the U.S. for training?

**Answer:** Any applicant, who has recently been refused for a visa, such as your employee, can reapply for a visa at any time. However, as we explain to these applicants, we encourage them to wait until there is new information available for their application or a significant change in their situation. New information or a significant change can include a variety of things, but some examples are:

- Employment changes: Additional years of work experience, a salary increase, or attainment of a degree or certificate;
- Travel: Demonstrated travel history;
- Social ties: Involvement in social or charitable organizations;

Again, these are not the only possibilities, only a short list of examples. All applicants, whether first-time, renewals, or previous refusals, are interviewed to determine if they have significant social, economic, and family ties that will cause them to return to Jamaica after their travel. During the interviews, our officers evaluate this, and based on their level of confidence in the applicant, make a decision to issue or refuse a visa application.

### **Business-related Travel**

In your specific example, your employee was looking to travel for training related to his professional work. Our goal in any situation is to facilitate legitimate travel for qualified applicants. If your employee was not issued a visa, it would have been because he did not demonstrate to the interviewing officer that he had sufficient ties to occasion his return to Jamaica. Please note, however, that we issue a large number of visas each year for individuals to attend training in the U.S., take professional exams, and attend conferences. We weigh heavily the fact that such opportunities can be life-changing and may allow employees to advance

personally and professionally. Nevertheless, we always must adhere to the standards established in U.S. immigration law; while we consider applicants' purpose of travel as part of the visa application, travel to attend training does not in itself qualify an applicant for a visa. Because our office almost always issues visitor's visas (which are used for training) that are valid for ten years, we must look beyond the applicant's initial travel purpose—training—and determine if they would use the visa properly for personal travel, as well.

### **Traveling to Conduct Business**

On a related topic, we often get applications from business persons, who are looking to engage in business activities in the U.S. The visitor's visa can be used to conduct several business activities, such as scouting a location to lease for a business, attending a conference or trade show, or to take orders for products produced in Jamaica. Note, however, that a visitor's visa cannot be used if you intend to manage a business in the U.S., accept a salary from a U.S. entity, or expect to gain employment from a U.S. employer after attending a training, conference, or trade show.

We often get questions from these same applicants regarding whether or not they can obtain a U.S. Social Security Number for use in business activities. Non-citizens, who are authorized to work in the United States, or who are immigrating to the United States can apply for a social security number. Social security numbers and social security benefits are administered by the Social Security Administration (SSA) in the United States. Non-citizens authorized to work in the United States need to apply for a Social Security number, based on the valid entry permit or program for which they are authorized to work, since social security tax must be withheld from their income.

Alternatively, if you need an identification number for tax purposes and you are not authorized to work in the United States, you can apply for an Individual Taxpayer Identification Number from the Internal Revenue Service (IRS). To get an application for an Individual Taxpayer Identification Number, you can visit an IRS office in person, call the IRS toll-free number in the United States at 1-800-829-3676, or visit the website, [www.irs.gov](http://www.irs.gov), and request Form W-7, Application For An Individual Taxpayer Identification Number.

## **New Application Form**

As a reminder, the U.S. Embassy now requires all applicants to complete the online DS-160 nonimmigrant visa application prior to their interview. We are pleased to note that our office has been processing these online visa applications smoothly using our new system and we will soon be increasing our daily appointments, which will decrease appointment wait times.